

REMARKS

A. DRAWINGS AND SPECIFICATION

Applicants enclose amended formal drawings that provide reference numerals in Figures 12 and 13 for the offset walls 77, 78 and provide a lead line for reference numeral 183 in Figure 19. The offset walls 77, 78 are discussed in paragraphs [0075], [0076] and [0078] of the specification. Approval of the amended drawings is respectfully requested.

There is no indication in the Office Action that the original formal drawings have been approved. Applicants request approval of the formal drawings in the next Office Action.

The specification has been amended to address informalities therein. Approval of the amendments to the specification is respectfully requested.

B. REJECTION OF CLAIMS UNDER 35 USC §112

The rejection of Claims 1-11 and 20 under 35 USC §112, second paragraph, as being indefinite has been considered. To advance prosecution, the terms "boxlike" and "channel-like" have been deleted from Claims 1 and 20. Therefore, Applicants believe the rejection of claims under 35 USC §112, second paragraph should be withdrawn.

Claims 2-5 and 15 have been amended to address informalities therein.

C. ALLOWABLE CLAIMS

Applicants appreciate the allowance of Claims 12-14. Applicants appreciate the indication of allowable subject matter in Claims 7-11 and 16-19. Claim 7 has been rewritten in independent form to include the features of parent Claim 1 and thus is believed allowable. Claims 8-11 depend from Claim 7 and thus are also believed allowable.

Claim 16 has been rewritten in independent form to include the features of parent Claim 15, except Claim 16 does not recite that each of the right and left sidewall structures are identical. This feature did not result in the allowance of independent parent Claim 15 and thus Applicants believe

omitting this feature does not affect the allowability of Claim 16. Therefore allowance of Claim 16, and Claims 17-19 dependent therefrom, is respectfully requested.

Independent Claim 20 was indicated as being allowable if rewritten to overcome the rejection as being indefinite. Claim 20 has been rewritten to address the rejection. Allowance of Claim 20 is respectfully requested.

D. PRIOR ART REJECTIONS

The rejection of Claims 1-6 and 15 under 35 USC §102(b) as being anticipated by McKernan, U.S. Patent No. 4 692 984 has been considered. McKernan is assigned to the same owner as this application.

The Office Action relies on Figures 1 and 2 of McKernan to show an upright multiple drawer storage cabinet 11 having a pair of generally upright sidewalls 14, a plurality of storage drawers 24 disposed vertically and a back wall 13. Figures 7 and 8 of McKernan are utilized to show a closed rigid hollow box structure having top and bottom walls 19, 21.

Applicants' independent Claim 1 recites an upright multiple-drawer storage cabinet including right and left upright sidewall structures. The last four lines of Claim 1 recite "each said sidewall structure including the exterior sidewall and the uprights fixed thereto being an integral, monolithic, one-piece structure formed from a single flat metal sheet". This feature is not disclosed or suggested by McKernan.

Figure 2 of McKernan shows both of the sidewalls 14 and the back wall 13 being formed from a single piece of thin metal sheet or plate 33 as discussed as column 4, lines 4-8. Column 4, lines 49-58 of McKernan discloses channels 26, 27 illustrated in Figure 2 that are separate preformed elements welded to the respective sidewalls 14. The uprights fixed thereto are separate elements welded thereon. Therefore, the uprights or channels 26 of McKernan are not monolithic with the sidewall thereof.

Column 6, lines 2-10 of McKernan emphasize that the use of one piece to form the sidewalls and the back wall provides a desirable appearance and makes the corners free of seams or weld lines. Thus, McKernan clearly teaches away from Applicants' claimed cabinet with "separate right and left upright sidewall structures" as recited in Claim 1.

For the above reasons, independent Claim 1, and Claims 2-6 dependent therefrom, are believed allowable over McKernan.

Applicants believe Claims 2-6 further distinguish McKernan. For example, Claim 3 recites that "a leg of the respective front and rear channel-shaped member respectively defines a front and rear surface of the respective sidewall arrangement". Applicants' Figures 7 and 18 both illustrate the arrangement. This arrangement differs from McKernan wherein the channel-shaped member is a separate element mounted on the inner face of the sidewall and thus no part thereof forms a front surface of a sidewall.

Claim 5 recites that "the front and rear uprights are mirror images of one another" and "whereby each said sidewall arrangement may function as either a right or left side of the housing". McKernan discloses a one-piece housing so that the sidewalls are fixed relative to one another and thus cannot replace each other.

Applicants' Claim 6 recites that the rear wall structure is defined by "a monolithic, one-piece structure having a generally planar upright rear wall provided with flanges extending along opposite vertical edges thereof so that said rear wall fits between and is rigidly secured to said right and left sidewall structures during assembly of said housing". In Figure 2 of McKernan, the sidewalls and rear wall are a single monolithic element with a rounded corner 15. Thus McKernan does not provide flanges extending along opposite vertical edges of the rear wall.

For the above reasons, Claims 2-6 are believed allowable over McKernan.

Independent Claim 15 is also believed distinguishable over McKernan. Claim 15 recites "each said sidewall structure including the exterior sidewall and the uprights fixed thereto being an integral, monolithic, one-piece structure formed from a single flat metal sheet". This feature is believed to distinguish McKernan as discussed above.

E. ADDED CLAIMS

Added Claims 21-24 depend from allowable Claim 20. Therefore allowance of Claims 21-24 is respectfully requested.

For the above reasons, reconsideration and allowance of Claims 1-24 is respectfully requested.

Respectfully submitted,



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Encl: Formal drawings - 2 sheets
Information Disclosure Statement
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PATENT APPLICATION

IN THE U.S. PATENT AND TRADEMARK OFFICE

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Applicant(s): Dave TIMMERMANN, et al.

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P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In compliance with provisions of Rules 1.97(c) and 1.98, enclosed and listed on attached Form PTO-1449 are drawings (one sheet) relating to a base structure associated with a housing of a lateral file cabinet as commercialized by one of the related companies of the Assignee of this application.

More specifically, referring to the attached drawings, they illustrate a closed box-like hollow base defined by a top member (drawing A) which opens downwardly, and which has inserts which extend lengthwise along the end edges so as to define tubular constructions. These tubular constructions extend solely along the end edges, and not along the elongate side edges. The open box of drawing A has the bottom thereof closed off by a flat base plate shown in drawing B, which base plate is welded to the top member.

The base depicted by drawings A and B was developed at least in part by some of the inventors named in this application, and was incorporated into a housing of a lateral file cabinet which was first marketed by one of the Assignee's affiliated companies more than 12 months prior to the September 3, 2003 filing date of this application.

Pursuant to Rules 1.97(c) and 1.17(p), the Applicants herewith submit the required fee of \$180.00. In the event additional fees are required in order to have this Statement considered, the undersigned solicitor hereby authorizes the charging of Deposit Account No. 06-1382. A duplicate copy of this paper is enclosed.

The Examiner's consideration of this prior art is respectfully requested, and it is further requested that the Examiner initial and date the PTO-1449, and return a copy thereof to the undersigned.

Respectfully submitted,

IN DUPLICATE



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Encl: Form PTO-1449
One copy cited reference
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Amendments to the Drawings

Figures 11 and 12 are amended to include reference numerals 77 and 78, respectively.

Figure 19 is amended to include a lead line for element 183.